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RETURN DATE: NOVEMBER 15, 2016 : SUPERIOR COURT
JOHN DOE : J.D. OF FAIRFIELD
VS. : AT BRIDGEPORT

VILLA MARIA EDUCATION CENTER, INC.
a/k/a and f/k/a VILLA MARIA SCHOOL;
BERNARDINE SISTERS OF THE THIRD
ORDER OF ST. FRANCIS, OF STAMFORD,
CONNECTICUT, INC.; THE BERNARDINE
SISTERS OF THE THIRD ORDER OF ST.
FRANCIS a/k/a BERNARDINE
FRANCISCAN SISTERS; CAROL ANN NAWRACJ : OCTOBER 4, 2016

COMPLAINT

FIRST COUNT:

1. At all times relevant herein, the defendant Villa Maria Education Center, Inc. a/k/a and f/k/a Villa Maria School (“Villa Maria School”) managed, operated and/or controlled a full time day school for children with learning disabilities located at 161 Sky Meadow Drive in Stamford, Connecticut.

2. At all times relevant herein, the defendant Bernardine Sisters of the Third Order of St. Francis, of Stamford, Connecticut, Inc. (“Bernardine Sisters OSF, Stamford”) was a religious community of women that owned, managed, operated and/or controlled the Villa Maria School, a full time day school for children with learning disabilities located at 161 Sky Meadow Drive in Stamford, Connecticut.

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- 3. At all times relevant herein, the defendant The Bernardine Sisters of the Third Order of St. Francis a/k/a Bernardine Franciscan Sisters (“Bernardine Franciscan Sisters”) was a religious community of women that owned, managed, operated and/or controlled the Villa Maria School, a full time day school for children with learning disabilities located at 161 Sky Meadow Drive in Stamford, Connecticut.

4. At all times relevant herein, the defendant Carol Ann Nawracj (“Nawracj”) was a nun and an agent, servant and/or employee of the defendant Villa Maria School and/or the defendant Bernardine Sisters OSF, Stamford and/or the defendant Bernardine Franciscan Sisters and was acting in a position of leadership and/or as the executive director of the Villa Maria School and in charge of supervising and monitoring the nuns who taught at the Villa Maria School.

5. At all times relevant herein, Sister Domitian was a nun and an agent, servant and/or employee of the defendant Villa Maria School and/or the defendant Bernardine Sisters OSF, Stamford and/or the defendant Bernardine Franciscan Sisters and at all times relevant herein, Sister Domitian was a teacher at the Villa Maria School.

6. At all times relevant hereto, Sister Domitian remained under the direct supervision, employ and control of the defendant Villa Maria School and/or the defendant Bernardine Sisters OSF, Stamford and/or the defendant Bernardine Franciscan Sisters.

• 7. At all times relevant herein, Sister Domitian engaged in the conduct alleged herein while a nun and teacher, acting in the course and scope of her duties as the agent, servant and/or employee of the defendant Villa Maria School and/or the defendant Bernardine Sisters OSF, Stamford and/or the defendant Bernardine Franciscan Sisters.

8. At all times relevant herein, one or more of the defendants were responsible for supervising Sister Domitian's teaching and interaction with the minor students.

9. At all times relevant herein, the defendants knew that as a teacher, Sister Domitian would be interacting with minor students at Villa Maria School.

10. From approximately 1977 through 1983, the Plaintiff, John Doe was a student at the Villa Maria School and at all times the plaintiff was a minor.

11. At all times mentioned herein, the minor Plaintiff was separated from his parents and guardians and was in the custody of the defendants.

12. The general risk of harm, or injuries of the type suffered by the plaintiff, was foreseeable by the defendants under the circumstances herein set forth.

13. Sister Domitian was one of the minor Plaintiff's teachers at the Villa Maria School.

14. While Sister Domitian was the plaintiff's teacher, Sister Domitian sexually abused, sexually assaulted, sexually battered and sexually exploited the minor plaintiff, John Doe at the Villa Maria School when he was a student there thus causing him injury and damage.

15. As a result thereof, the plaintiff suffered injuries of a serious and permanent nature in that he suffered physical injuries resultant from the sexual abuse, sexual abuse and sexual

• exploitation including but not limited to panic attacks, heart-racing and sweating, the development of scar tissue in his penis, bleeding, severe physical pain and severe emotional injuries including emotional distress, emotional pain, mental anguish, anxiety, frustration, disassociation, post-traumatic stress and permanent psychological scarring; all of which were exacerbated and intensified by lack of timely treatment.

16. As a result thereof, the plaintiff has incurred medical bills for his care and treatment and may continue to incur additional expense in the future.

17. In addition, the plaintiff has suffered a spiritual loss in his religious faith.

18. The injuries and damages sustained by the plaintiff were the result of the acts and intentions of Sister Domitian in that she sexually abused, sexually assaulted and sexually exploited the plaintiff while he was a minor.

19. The aforementioned conduct and acts occurred while Sister Domitian was acting as a nun and teacher, supervising and chaperoning minors in her capacity as a nun and teacher under the auspices of the named defendants.

20. The aforementioned conduct and acts occurred while Sister Domitian was acting as a nun and teacher, supervising and chaperoning minor students, all of which were in the scope of her employment for which the defendant Villa Maria School is vicariously liable.

21. The aforementioned conduct and acts occurred while Sister Domitian was acting as a nun, supervising and chaperoning minor students, all of which were in the scope of her employment and/or service for which the defendant Bernardine Sisters OSF, Stamford is vicariously liable.

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• 22. The aforementioned conduct and acts occurred while Sister Domitian was acting as a nun, supervising and chaperoning minor students, all of which were in the scope of her employment and/or service for which the defendant Bernardine Franciscan Sisters is vicariously liable

SECOND COUNT:

1. - 22. Paragraphs 1 through 22 of the First Count are hereby made Paragraphs 1 through 22 of the Second Count.

23. The injuries and damages sustained by the plaintiff were the result of the negligence of the defendant, Villa Maria School, its agents, servants and/or employees (a) in that it knew or should have known that its agent, servant and/or employee, Sister Domitian was sexually abusing, sexually assaulting and sexually exploiting the minor plaintiff and allowed such conduct to continue; (b) in that it knew or should have known that Sister Domitian had a propensity to sexually abuse, sexually assault and sexually exploit minor students, yet failed to take steps to prevent her sexual abuse of the minor plaintiff; (c) in that it failed to promulgate policies and rules proscribing nuns and teachers from bringing children to private rooms and private places such as bathrooms, when it knew or should have known that it was unsafe to allow adults alone with children in such places; (d) in that it allowed and encouraged Sister Domitian to supervise, oversee and chaperone minor students when it knew or should have known that Sister Domitian had the propensity to sexually abuse such minors; (e) in that it failed to properly and adequately investigate and supervise Sister Domitian in order to prevent such sexual abuse and sexual exploitation from occurring; (f) in that it induced the parents of minor students to entrust their

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• children's moral and spiritual well-being and safety to its nuns, teachers and school and then failed to protect these children, such as the minor plaintiff, who were without their parents and/or guardians from the sexual abuse and sexual exploitation perpetrated by Sister Domitian; (g) in that it allowed and encouraged Sister Domitian to freely interact and have one-on one contact with minor students such as the plaintiff; (h) in failing to warn the plaintiff and his parents of Sister Domitian's propensities to commit sexual abuses upon minors; (i) in that it failed to establish, maintain and enforce a policy of reporting, investigating, pursuing and removing nuns and/or teachers engaged in sexual misconduct and instead adhered to a policy of discouraging the dissemination of information regarding the sexual misconduct of nuns and/or teachers with minors; (j) in that it failed to take adequate steps to advise persons in association with such nuns and/or teachers or in a supervisory position of such nuns and/or teachers of the danger of having no policy of reporting sexual misconduct by those who might be aware of sexual misconduct by a nun and/or teacher to a minor; its failure to properly investigate claims of sexual misconduct of a nun and/or teacher brought to its attention; (k) in that it failed to adequately seek out victims of such sexual abuse in order to render assistance and prevent or reduce further damage to untreated victims, like the plaintiff; (l) in that it knew or should have known that Sister Domitian was sexually abusing the minor plaintiff by virtue of the frequency with which Sister Domitian freely interacted with minors such as the plaintiff in private areas such as the bathroom; (m) and in that it failed to police activities of its nuns and/or teachers including its failure to provide or enforce rules prohibiting nuns and/or teachers from having children in private rooms and places and being unchaperoned with minors upon premises it managed, operated and/or controlled.

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24. The injuries and damages sustained by the plaintiff were the result of the negligence of the defendant, Bernardine Sisters OSF, Stamford, its agents, servants and/or employees (a) in that it knew or should have known that its agent, servant and/or employee, Sister Domitian was sexually abusing, sexually assaulting and sexually exploiting the minor plaintiff and allowed such conduct to continue; (b) in that it knew or should have known that Sister Domitian had a propensity to sexually abuse, sexually assault and sexually exploit minor students, yet failed to take steps to prevent her sexual abuse of the minor plaintiff; (c) in that it failed to promulgate policies and rules proscribing nuns and teachers from bringing children to private rooms and private places such as bathrooms, when it knew or should have known that it was unsafe to allow adults alone with children in such places; (d) in that it allowed and encouraged Sister Domitian to supervise, oversee and chaperone minor students when it knew or should have known that Sister Domitian had the propensity to sexually abuse such minors; (e) in that it failed to properly and adequately investigate and supervise Sister Domitian in order to prevent such sexual abuse and sexual exploitation from occurring; (f) in that it induced the parents of minor students to entrust their children's moral and spiritual well-being and safety to its nuns, teachers and school and then failed to protect these children, such as the minor plaintiff, who were without their parents and/or guardians from the sexual abuse and sexual exploitation perpetrated by Sister Domitian; (g) in that it allowed and encouraged Sister Domitian to freely interact and have one-on-one contact with minor students such as the plaintiff; (h) in failing to warn the plaintiff and his parents of Sister Domitian's propensities to commit sexual abuses upon minors; (i) in that it failed to establish, maintain and enforce a policy of reporting, investigating, pursuing and

removing nuns and/or teachers engaged in sexual misconduct and instead adhered to a policy of discouraging the dissemination of information regarding the sexual misconduct of nuns and/or teachers with minors; (j) in that it failed to take adequate steps to advise persons in association with such nuns and/or teachers or in a supervisory position of such nuns and/or teachers of the danger of having no policy of reporting sexual misconduct by those who might be aware of sexual misconduct by a nun and/or teacher to a minor; its failure to properly investigate claims of sexual misconduct of a nun and/or teacher brought to its attention; (k) in that it failed to adequately seek out victims of such sexual abuse in order to render assistance and prevent or reduce further damage to untreated victims, like the plaintiff; (l) in that it knew or should have known that Sister Domitian was sexually abusing the minor plaintiff by virtue of the frequency with which Sister Domitian freely interacted with minors such as the plaintiff in private areas such as the bathroom; (m) and in that it failed to police activities of its nuns and/or teachers including its failure to provide or enforce rules prohibiting nuns and/or teachers from having children in private rooms and places and being unchaperoned with minors upon premises it owned, managed, operated and/or controlled.

25. The injuries and damages sustained by the plaintiff were the result of the negligence of the defendant, Bernardine Franciscan Sisters, its agents, servants and/or employees (a) in that it knew or should have known that its agent, servant and/or employee, Sister Domitian was sexually abusing, sexually assaulting and sexually exploiting the minor plaintiff and allowed such conduct to continue; (b) in that it knew or should have known that Sister Domitian had a propensity to sexually abuse, sexually assault and sexually exploit minor students, yet failed to

• take steps to prevent her sexual abuse of the minor plaintiff; (c) in that it failed to promulgate policies and rules proscribing nuns and teachers from bringing children to private rooms and private places such as bathrooms, when it knew or should have known that it was unsafe to allow adults alone with children in such places; (d) in that it allowed and encouraged Sister Domitian to supervise, oversee and chaperone minor students when it knew or should have known that Sister Domitian had the propensity to sexually abuse such minors; (e) in that it failed to properly and adequately investigate and supervise Sister Domitian in order to prevent such sexual abuse and sexual exploitation from occurring; (f) in that it induced the parents of minor students to entrust their children's moral and spiritual well-being and safety to its nuns, teachers and school and then failed to protect these children, such as the minor plaintiff, who were without their parents and/or guardians from the sexual abuse and sexual exploitation perpetrated by Sister Domitian; (g) in that it allowed and encouraged Sister Domitian to freely interact and have one-on-one contact with minor students such as the plaintiff; (h) in failing to warn the plaintiff and his parents of Sister Domitian's propensities to commit sexual abuses upon minors; (i) in that it failed to establish, maintain and enforce a policy of reporting, investigating, pursuing and removing nuns and/or teachers engaged in sexual misconduct and instead adhered to a policy of discouraging the dissemination of information regarding the sexual misconduct of nuns and/or teachers with minors; (j) in that it failed to take adequate steps to advise persons in association with such nuns and/or teachers or in a supervisory position of such nuns and/or teachers of the danger of having no policy of reporting sexual misconduct by those who might be aware of sexual misconduct by a nun and/or teacher to a minor; its failure to properly investigate claims of

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sexual misconduct of a nun and/or teacher brought to its attention; (k) in that it failed to adequately seek out victims of such sexual abuse in order to render assistance and prevent or reduce further damage to untreated victims, like the plaintiff; (l) in that it knew or should have known that Sister Domitian was sexually abusing the minor plaintiff by virtue of the frequency with which Sister Domitian freely interacted with minors such as the plaintiff in private areas such as the bathroom; (m) and in that it failed to police activities of its nuns and/or teachers including its failure to provide or enforce rules prohibiting nuns and/or teachers from having children in private rooms and places and being unchaperoned with minors upon premises it owned, managed, operated and/or controlled.

26. The injuries and damages sustained by the plaintiff were the result of the negligence of the defendant, Nawracj (a) in that she knew or should have known that Sister Domitian, an agent, servant and/or employee of one or more of the defendants, was sexually abusing, sexually assaulting and sexually exploiting the minor plaintiff and allowed such conduct to continue; (b) in that she knew or should have known that Sister Domitian had a propensity to sexually abuse, sexually assault and sexually exploit minor students, yet failed to take steps to prevent her sexual abuse of the minor plaintiff; (c) in that she failed to promulgate policies and rules proscribing nuns and teachers from bringing children to private rooms and private places such as bathrooms, when it knew or should have known that it was unsafe to allow adults alone with children in such places; (d) in that she allowed and encouraged Sister Domitian to supervise, oversee and chaperone minor students when it knew or should have known that Sister Domitian had the propensity to sexually abuse such minors; (e) in that she failed to properly and adequately

• investigate and supervise Sister Domitian in order to prevent such sexual abuse and sexual exploitation from occurring; (f) in that she induced the parents of minor students to entrust their children's moral and spiritual well-being and safety to its nuns, teachers and school and then failed to protect these children, such as the minor plaintiff, who were without their parents and/or guardians from the sexual abuse and sexual exploitation perpetrated by Sister Domitian; (g) in that she allowed and encouraged Sister Domitian to freely interact and have one-on one contact with minor students such as the plaintiff; (h) in failing to warn the plaintiff and his parents of Sister Domitian's propensities to commit sexual abuses upon minors; (i) in that she failed to establish, maintain and enforce a policy of reporting, investigating, pursuing and removing nuns and/or teachers engaged in sexual misconduct and instead adhered to a policy of discouraging the dissemination of information regarding the sexual misconduct of nuns and/or teachers with minors; (j) in that she failed to take adequate steps to advise persons in association with such nuns and/or teachers or in a supervisory position of such nuns and/or teachers of the danger of having no policy of reporting sexual misconduct by those who might be aware of sexual misconduct by a nun and/or teacher to a minor; its failure to properly investigate claims of sexual misconduct of a nun and/or teacher brought to its attention; (k) in that she failed to adequately seek out victims of such sexual abuse in order to render assistance and prevent or reduce further damage to untreated victims, like the plaintiff; (l) in that she knew or should have known that Sister Domitian was sexually abusing the minor plaintiff by virtue of the frequency with which Sister Domitian freely interacted with minors such as the plaintiff in private areas such as the bathroom; (m) and in that she failed to police activities of the nuns and/or teachers at the school

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• including her failure to provide or enforce rules prohibiting nuns and/or teachers from having children in private rooms and places and being unchaperoned with minors upon premises it owned, managed, operated and/or controlled.

THIRD COUNT:

1. – 19. Paragraphs 1 through 19 of the First Count are hereby made paragraphs 1 through 19 of the Third Count.

20. The plaintiff was raised Catholic, observing Catholic tradition, attending mass, and observing Catholic Holy Days of Obligation.

21. The plaintiff was raised to put faith in the nuns and teachers at the Villa Maria School and did, in fact, place trust in the defendants.

22. The plaintiff received sacraments of the Catholic Church.

23. The plaintiff learned in school and in Church that, as a good Catholic, he was to follow the mandates and guidance of the nuns and teachers at the Villa Maria School.

24. The plaintiff put his faith in and trusted the defendants as well as its nuns and teachers to guide him in his faith.

25. At the Villa Maria School, the plaintiff developed a close relationship with members of the Villa Maria School community.

• 26. Sister Domitian was part of the Villa Maria School community which allowed her to develop a relationship with the minor plaintiff.

27. The defendants Villa Maria School and/or the defendant Bernardine Sisters OSF, Stamford and/or the defendant Bernardine Franciscan Sisters encouraged its nuns and teachers to develop trusting relationships with its students and to provide its students with spiritual guidance and instruction.

28. As a result, a unique degree of trust and confidence developed between the defendants and the plaintiff in that the defendants were in a superior position to evaluate and assure the plaintiff's safe participation in all school activities.

29. As a result, a unique degree of trust and confidence developed between the defendants and the plaintiff as the plaintiff was taught to respect and defer, and did so defer, to the authority of its nuns and teachers, including Sister Domitian.

30. The plaintiff relied upon and trusted the defendants' superior position, knowledge, expertise and skill and was justified in doing so.

31. The defendants stood in a fiduciary relationship with the plaintiff.

• 32. The aforementioned conduct and acts occurred while Sister Domitian was acting in her role as a nun and teacher, supervising and chaperoning minor students including the plaintiff.

33. The general risk of harm suffered by the plaintiff was foreseeable by the defendants under the circumstances.

34. The injuries set forth herein suffered by the plaintiff are the proximate result of the defendants Villa Maria School and/or the defendant Bernardine Sisters OSF, Stamford and/or the defendant Bernardine Franciscan Sisters breach of duty arising out of its fiduciary and confidential relationship with the plaintiff in one or more of the following ways, in that it (a) failed to adequately evaluate the mental fitness of Sister Domitian to serve in her capacity as a nun and teacher with its related responsibilities to students; (b) failed to periodically evaluate the mental fitness of Sister Domitian to continue to serve in her capacity as a nun and teacher; (c) failed to adequately supervise Sister Domitian in her interaction and conduct toward minor students; (d) failed to provide training and/or educational programs to Sister Domitian to inform her of proper conduct toward minor students; (e) induced parents to entrust their children's moral and spiritual well-being and safety to its nuns and teachers and then failed to protect these same children, such as the plaintiff, from sexual abuse by agents, servants or agents of the defendants; and (f) failed to police activities of its nuns and teachers, in particular, Sister Domitian, including

- its failure to provide or enforce a prohibition on nuns and teachers from being unchaperoned with minor students.

FOURTH COUNT:

1.- 22. Paragraphs 1 through 22 of the First Count are hereby made Paragraphs 1 through 22 of the Fourth Count.

23. The plaintiff's parents and guardians entrusted their child to the custody of the defendants when he attended the Villa Maria School.

24. The injuries and damages suffered by the plaintiff were the proximate and foreseeable result of the foregoing breach of special duties owed to the plaintiff by the defendants defendant Villa Maria School and/or the defendant Bernardine Sisters OSF, Stamford and/or the defendant Bernardine Franciscan Sisters, acting through their agents, servants and employees in that they failed to act affirmatively and proactively to monitor and supervise Sister Domitian in order to prevent injury to minors such as the plaintiff who was especially vulnerable; in that they failed to act affirmatively and proactively to protect the minor plaintiff who was especially vulnerable from the risks such as those posed by Sister Domitian.

- The plaintiff claims monetary damages within the jurisdiction of this Court for his pain, suffering, personal injuries and humiliation.

THE PLAINTIFF, JOHN DOE

BY


Cindy L. Robinson
Tremont Sheldon Robinson Mahoney P.C.

RETURN DATE: NOVEMBER 15, 2016

: SUPERIOR COURT

JOHN DOE

: J.D. OF FAIRFIELD

VS.

: AT BRIDGEPORT

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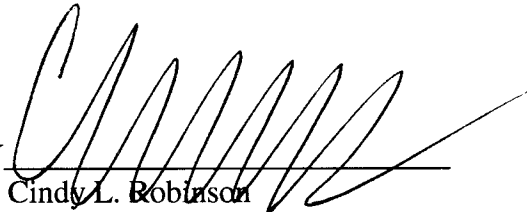
FRANCISCAN SISTERS; CAROL ANN NAWRACJ : OCTOBER 4, 2016

AMOUNT IN DEMAND

The plaintiff represents that the amount in demand is greater than Fifteen
Thousand (\$15,000) Dollars, exclusive of interest and costs.

THE PLAINTIFF, JOHN DOE

BY



Cindy L. Robinson

Tremont Sheldon Robinson Mahoney P.C.